

LAWS AND REGULATIONS RELATING TO

Certification as an Alcohol and Drug Counselor



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The Kentucky Board of Certification of Alcohol and Drug Counselors
P. O. Box 1360
Frankfort, Kentucky 40602
(502) 564-3296

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The statutes and regulations provided in this booklet are an *unofficial* version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

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Kentucky Revised Statutes

309.080 Definitions for KRS 309.080 to 309.089.

As used in KRS 309.080 to 309.089, unless the context otherwise requires:

- (1) "Board" means the Kentucky Board of Certification of Alcohol and Drug Counselors;
- (2) "Certified alcohol and drug counselor" means a person certified by the board; and
- (3) "Certificate holder" means an alcohol and drug counselor who is certified pursuant to KRS 309.080 to 309.089.

309.0805 Use of title "certified alcohol and drug counselor -- Construction.

(1) No person shall use the title "certified alcohol and drug counselor" or hold himself out as a "certified alcohol and drug counselor" unless he is certified pursuant to KRS 309.080 to 309.089.

(2) Nothing in KRS 309.080 to 309.089 shall apply to persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes, including but not limited to physicians, social workers, psychologists, marriage and family therapists, art therapists, nurses, or students in accredited training programs in those professions, and nothing in KRS 309.080 to 309.089 shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which they hold themselves out to the public.

(3) Nothing in KRS 309.080 to 309.089 shall be construed to alter, amend, or interfere with the practice of those who render counseling services, including but not limited to employment counseling, job placement counseling, vocational rehabilitation counseling, pastoral counseling based on any tenet of one's religious beliefs, or school counseling.

(4) Nothing in KRS 309.080 to 309.089 shall apply to the activities and services of a student intern or trainee who is pursuing a program of studies in alcohol and drug counseling at an accredited institution of higher education, if these activities are performed under the supervision or direction of an approved supervisor and the activities are part of the supervised program of studies.

309.081 Board of Certification of Alcohol and Drug Counselors.

(1) There is hereby created the Kentucky Board of Certification of Alcohol and Drug Counselors consisting of seven (7) members who shall be appointed by the Governor. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business of alcohol and drug counseling, and the six (6) remaining members shall be certified alcohol and drug counselors, pursuant to KRS 309.080 to 309.089. The board shall elect a chairman each year at the first meeting called after the appointment of new members.

(2) Initially, six (6) members shall be appointed by the Governor from a list of eighteen (18) names submitted by the Kentucky Certification Board of Chemical Dependency Professionals. These initial appointees shall be certified by the Kentucky Certification Board of Chemical Dependency Professionals. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business of alcohol and drug counseling. The Governor shall initially appoint two (2) members and the citizen at large member to terms of four (4) years, two (2) members to terms of three (3) years, and two (2) members to terms of two (2) years. Thereafter, each member of the board shall serve for a term of four (4) years with a maximum of two (2) full consecutive terms.

(3) Beginning July 1, 1997, each counselor member appointed to the board shall be a certified alcohol and drug counselor and shall be actively engaged in the practice or teaching of alcohol and drug counseling in Kentucky.

(4) All reappointments to and vacancies on the board shall be filled by the Governor from a list of three (3) names for each position that shall be submitted by the Kentucky Association of Addiction Professionals. The list shall consist of the three

(3) nominees receiving the most votes in an election for each position to be filled.

The election shall be administered by the Kentucky Association of Addiction Professionals, and nominations may be submitted by any interested party. The nominees shall be selected by all alcohol and drug counselors certified under KRS 309.080 to 309.089. Vacancies shall be filled for the remainder of an unexpired term in the same manner as set out in this subsection.

(5) The citizen-at-large member shall be disqualified from serving on the board if:

(a) He, a member of his household, or his relative becomes associated with or financially interested in the business of alcohol and drug counseling, or participates or has participated in a professional field related to alcohol and drug counseling; or

(b) He, a member of his household, or his relative becomes, or is in training to become, a certified alcohol and drug counselor.

(6) A counselor member of the board shall be disqualified from serving on the board if:

(a) He violates the code of professional ethics or standards of practice established pursuant to KRS 309.0813; or

(b) He ceases to be a certified alcohol and drug counselor in Kentucky.

(7) Board members shall be reimbursed for all reasonable and necessary expenses they incur because of their board duties.

309.0813 Duties of board -- Fees.

The board shall:

(1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and enforcement of KRS 309.080 to 309.089;

(2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a code of ethics, standards of practice, and continuing education for certified alcohol and drug counselors;

(3) Approve and disapprove, at least twice a year, those persons who shall be certified under KRS 309.080 to 309.089;

(4) Approve the examination required of applicants for certification and promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and grading of the examination;

(5) Establish an examination committee to administer and evaluate the case method presentation and the oral examination;

(6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing grounds and procedures for denying, suspending, failing to reissue, or revoking a certificate, and issuing reprimands and admonishments pursuant to KRS 309.080 to 309.089;

(7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved certificate holder or an applicant for a certificate;

(8) Employ needed personnel and establish their duties and compensation;

(9) Maintain a register of certified alcohol and drug counselors;

(10) Keep a complete record of the board's proceedings;

(11) Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089;

(12) Promulgate administrative regulations pursuant to KRS 13A establishing an initial certification fee and annual renewal fee not to exceed three hundred dollars (\$300) each;

(13) Take legal action as necessary to restrain or enjoin violations of KRS 309.080 to 309.089 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089; and

(14) Submit an annual report to the Governor and the Legislative Research Commission by January 1 of each year, which lists all hearings conducted by the board and the decisions rendered.

309.083 Requirements for certification as alcohol and drug counselors.

An applicant for certification as an alcohol and drug counselor shall pay the board the initial fee for certification, and shall:

- (1) Be at least eighteen (18) years of age;
- (2) Have obtained a baccalaureate degree, except as provided in KRS 309.084;
- (3) Have obtained a master's degree if required by KRS 309.084;
- (4) Have completed six thousand (6,000) hours of board-approved experience working with alcohol or drug dependent persons, three hundred (300) hours of which shall have been under the direct supervision of a certified alcohol and drug counselor who has at least two (2) years of post-certification experience;
- (5) Have completed at least two hundred seventy (270) classroom hours of board-approved curriculum;
- (6) Have passed a written examination that has been approved by the International Certification Reciprocity Consortium on Alcoholism and Drug Abuse and an oral examination approved by the board;
- (7) Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;
- (8) Have completed at least six (6) hours of ethics training and two (2) hours of training in the transmission, control, treatment, and prevention of the human immunodeficiency virus; and
- (9) Have submitted two (2) letters of reference from certified alcohol and drug counselors.

309.084 Certification of applicants.

(1) Upon application made prior to January 1, 1997, and payment of the initial certification fee, any person who is certified by the Kentucky Certification Board of Chemical Dependency Professionals prior to January 1, 1997, shall be deemed to be certified pursuant to KRS 309.080 to 309.089.

(2) After July 15, 1996, the board shall certify any applicant who meets all of the requirements set out in KRS 309.083, pays the fees established by the board, and is not disqualified pursuant to KRS 309.086.

(3) Upon application and payment of the prescribed fees, any person who is and has been approved by the Kentucky Certification Board of Chemical Dependency Professionals as a trainee, prior to July 15, 1996, shall be certified without meeting the requirement of KRS 309.083(2) if he satisfies all the other requirements of that section, prior to December 31, 1997.

309.085 Renewal of certificates -- Cancellation and reinstatement.

(1) A certificate issued pursuant to KRS 309.084 shall be renewed every three (3) years upon:

- (a) Payment of the renewal fee as established pursuant to KRS 309.0813; and
 - (b) Completion of continuing education requirements, as established by the board by promulgation of an administrative regulation, not to exceed sixty (60) hours per renewal period.
- (2) The board shall cancel any certificate not renewed within ninety (90) days after the renewal date; however, the board may reinstate the certificate, upon its holder paying the renewal fee and satisfying the other reinstatement requirements as established by the board by administrative regulation within one (1) year of the anniversary date of issue of renewal.

309.086 Revocation, suspension, probation, or restriction of certificate -- Hearings -- Appeals.

(1) The board may revoke, suspend, place on probation, or restrict the certificate of a certificate holder; refuse to issue or renew a certificate; and reprimand, admonish, or fine a certificate holder for the following:

- (a) Fraud or deceit in obtaining certification;
- (b) Transferring the authority granted by the certificate to another person;
- (c) Using unfair, false, misleading, or deceptive trade practices;
- (d) Willfully or deliberately disregarding professional standards of practice or violating the code of ethics;
- (e) Aiding and abetting a person who obtains a certificate fraudulently;
- (f) Conspiring or combining with others to obtain a certificate to be used by an uncertified person with the intent to evade the provisions of KRS 309.080 to 309.089 and administrative regulations promulgated pursuant to those sections;
- (g) Negligence or incompetence in complying with the applicable code of ethics and standards of practice or failure to comply with continuing education requirements;
- (h) Violating KRS 309.080 to 309.089 and administrative regulations promulgated pursuant to those sections; or
- (i) Being convicted of a felony or any other crime in which an element of the crime is dishonesty or fraud, under the laws of any state or the United States within the past three (3) years.

(2) The board shall, upon the request of a certified alcohol and drug counselor or an applicant for certification as an alcohol and drug counselor, hold a hearing pursuant to KRS Chapter 13B before denying an application for certification, refusing to renew a certificate, suspending a certificate, or imposing a fine. The affected party may appeal the board's decision in the Circuit Court where the certificate holder resides. The action of the board shall remain in effect pending any appeals unless the board rescinds or modifies its order.

309.087 Application for reinstatement of revoked certificate.

A person whose certificate has been revoked may apply for reinstatement, no earlier than one (1) year from the date of revocation, in accordance with administrative regulations promulgated by the board.

309.089 Additional penalties.

In addition to the sanctions set out in KRS 309.086, the board may impose the following sanctions on certificate holders who violate the provisions of KRS 309.080 to 309.089 and administrative regulations promulgated pursuant to those sections:

- (1) Suspend a certificate for a period of up to five (5) years; and
- (2) Impose a fine of up to one thousand dollars (\$1,000).

Kentucky Administrative Regulations

201 KAR 35:020. Fees.

RELATES TO: KRS 309.084, 309.085(1)(a)

STATUTORY AUTHORITY: KRS 309.0813(1), (4), (5), (12)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813(4) requires the board to promulgate an administrative regulation governing the administration and grading of the written and oral examinations which applicants for certification are required to successfully complete. KRS 309.0813(12) requires the board to promulgate an administrative regulation establishing an initial certification fee and renewal fee. This administrative regulation establishes those fees.

Section 1. Application Fee. (1) The application fee for board review of the application for certification shall be fifty (50) dollars.

(2) The application fee shall be nonrefundable.

Section 2. Examination Fees. The following fees shall be paid in connection with the examinations required by the board:

(1) The fee for the written examination shall be \$100.

(2) The fee for the oral examination shall be \$125 dollars.

(3) The fee for retaking either portion of the examination shall be the same fee established in subsections (1) and (2) of this section.

Section 3. Initial Certification Fee. (1) The initial certification fee shall be \$180 for an applicant for certification.

(2) If the applicant successfully completes all requirements for certification, this fee shall cover certification for the initial three (3) year period.

Section 4. Renewal Fee. The renewal fee for certification shall be \$200 for a three (3) year period.

201 KAR 35:030. Code of ethics.

RELATES TO: KRS 309.081

STATUTORY AUTHORITY: KRS 309.0813(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.1315(14) requires the board to promulgate a code of ethics for certified alcohol and drug counselors. This administrative regulation establishes the required code of ethics.

Section 1. Responsibility to Clients. (1) An alcohol and drug counselor shall:

(a) Advance and protect the welfare of the client;

(b) Respect the rights of a person seeking assistance; and

(c) Make reasonable efforts to ensure that services are used appropriately.

(2) An alcohol and drug counselor shall not:

(a) Discriminate against or refuse professional service to anyone on the basis of:

1. Race;

2. Gender;

3. Religion; or

4. National origin;

(b) Exploit the trust and dependency of a client;

(c) Engage in a dual relationship with a client, including a social, business, or personal relationship, that may:

1. Impair professional judgment;

2. Incur a risk of exploitation of the client; or

3. Otherwise violate a provision of this administrative regulation.

If a dual relationship cannot be avoided, and does not impair professional judgment, incur a risk of exploitation of the client, or otherwise violate a provision of this administrative regulation, a

counselor shall take appropriate professional precautions to ensure that judgment is not impaired and exploitation of the client does not occur.

(d) Engage in a sexual relationship with a current client or with a former client for two (2) years following the termination of therapy;

(e) Use the professional relationship with a client to further a personal interest;

(f) Continue a therapeutic relationship unless it is reasonably clear that the client is benefiting from the relationship;

(g) Fail to assist a person in obtaining other therapeutic service if the counselor is unable or unwilling, for an appropriate reason, to provide professional help;

(h) Abandon or neglect a client in treatment without making reasonable arrangements for the continuation of treatment;

(i) Videotape, record, or permit third-party observation of a therapy session without having first obtained written informed consent from the client;

(j) Engage in sexual or other harassment or exploitation of a client, student, trainee, supervisee, employee, colleague, research subject, or actual or potential witness or complainant in an investigation or ethical proceeding; or

(k) Diagnose, treat, or advise on problems outside the recognized boundaries of competence.

Section 2. Confidentiality. (1) An alcohol and drug counselor shall respect and guard the confidence of each individual client.

(2) An alcohol and drug counselor shall not disclose a client confidence except:

(a) As mandated, or permitted by law;

(b) To prevent a clear and immediate danger to a person;

(c) During the course of a civil, criminal, or disciplinary action arising from the counseling, at which the alcohol and drug counselor is a defendant; or

(d) In accordance with the terms of a written informed consent agreement.

(3) An alcohol and drug counselor may use client or clinical material in teaching, writing, and public presentations if:

(a) Written informed consent has been obtained in accordance with subsection (2)(d) of this section; or

(b) Appropriate steps have been taken to protect client identity and confidentiality.

(4) An alcohol and drug counselor shall store or dispose of a client record so as to maintain confidentiality.

Section 3. Publication Credit. An alcohol and drug counselor shall assign credit to all who have contributed to the published material and for the work upon which publication is based. An alcohol and drug counselor shall:

(1) Recognize joint authorship and major contributions of a professional character made by several persons to a common project. The author who has made the principle contribution to a publication shall be identified as the first listed;

(2) Acknowledge in a footnote or introductory statement minor contributions of a professional character, extensive clerical or similar assistance;

(3) Acknowledge, through specific citations, unpublished, as well as published, material that has directly influenced the research or writing.

Section 4. Professional Competence and Integrity. An alcohol and drug counselor shall maintain standards of professional competence and integrity and shall be subject to disciplinary action for:

(1) Having been subject to disciplinary action by another state's regulatory agency that the board determines violates applicable Kentucky state law or administrative regulation;

(2) Impairment due to mental incapacity or the abuse of alcohol or other substances which negatively impact the practice of alcohol and drug counseling;

(3) Refusing to comply with an order issued by the board; or

(4) Failing to cooperate with the board by not:

- (a) Furnishing in writing a complete explanation to a complaint filed with the board;
- (b) Appearing before the board at the time and place designated; or
- (c) Properly responding to a subpoena issued by the board.

(5) An alcohol and drug counselor who is aware of conduct by another certified alcohol and drug counselor that violates this code of ethics shall report that conduct to the Kentucky Board of Certification of Alcohol and Drug Counselors.

(6) An alcohol and drug counselor shall comply with all the policies and procedures of the facilities where he is employed. If there is conflict with the policies or procedures of the facility and this code of ethics, the alcohol and drug counselor shall report this conflict to the Kentucky Board of Certification of Alcohol and Drug Counselors.

Section 5. Responsibility to a Student or Supervisee. An alcohol and drug counselor shall:

- (1) Be aware of his influential position with respect to a student or supervisee; and
- (2) Avoid exploiting the trust and dependency of a student or supervisee;
- (3) Try to avoid a social, business, personal, or other dual relationship that could:
 - (a) Impair professional judgment; and
 - (b) Increase the risk of exploitation;
- (4) Take appropriate precautions to ensure that judgment is not impaired and to prevent exploitation if a dual relationship cannot be avoided;
- (5) Not provide counseling to a:
 - (a) Student;
 - (b) Employee; or
 - (c) Supervisee;
- (6) Not engage in sexual intimacy or contact with a:
 - (a) Student; or
 - (b) Supervisee;
- (7) Not permit a student or supervisee to perform or represent himself as competent to perform a professional service beyond his level of:
 - (a) Training;
 - (b) Experience; or
 - (c) Competence;
- (8) Not disclose the confidence of a student or supervisee unless:
 - (a) Permitted or mandated by law;
 - (b) It is necessary to prevent a clear and immediate danger to a person;
 - (c) During the course of a civil, criminal, or disciplinary action arising from the supervision, at which the alcohol and drug counselor is a defendant;
 - (d) In an educational or training setting, of which there are multiple supervisors or professional colleagues who share responsibility for the training of the supervisee;
 - (e) In accordance with the terms of a written informed consent agreement.

Section 6. Responsibility to a Research Participant. (1) An alcohol and drug counselor performing research shall be aware of federal and state laws and regulations and professional standards governing the conduct of research.

- (2) An alcohol and drug counselor performing research shall:
 - (a) Be responsible for making a careful examination of ethical acceptability in planning a study;
 - (b) Seek the ethical advice of another qualified professional not directly involved in the investigation, if it is possible that services to a research participant could be compromised; and
 - (c) Observe safeguards to protect the rights of a participant.
- (3) An alcohol and drug counselor requesting a participant's involvement in research shall:
 - (a) Inform him of all aspects of the research that might reasonably affect his willingness to participate; and
 - (b) Be sensitive to the possibility of diminished consent if the participant:

1. Is also receiving clinical services;
2. Has an impairment which limits understanding or communication; or
3. Is a child.

(4) An alcohol and drug counselor performing research shall respect a participant's freedom to decline participation in or to withdraw from a research study at any time.

(5) An alcohol and drug counselor shall avoid a dual relationship with research participants.

(6) Information obtained about a research participant during the course of an investigation shall be confidential unless there is an authorization previously obtained in writing. The following shall be explained to the participant before obtaining written, informed consent:

(a) A risk that another person, including a family member, could obtain access to the information; and

(b) The plan to be used to protect confidentiality.

Section 7. Financial Arrangements. An alcohol and drug counselor shall:

(1) Not charge an excessive fee for service;

(2) Disclose his fees to a client and supervisee at the beginning of service;

(3) Make financial arrangements with a patient, third-party payor, or supervisee that:

(a) Are reasonably understandable; and

(b) Conform to accepted professional practices;

(4) Not offer or accept payment for a referral;

(5) Represent facts truthfully to a client, third-party payor, or supervisee regarding services rendered.

Section 8. Advertising. (1) An alcohol and drug counselor shall:

(a) Accurately represent education, training, and experience relevant to the practice of professional alcohol and drug counseling;

(b) Not use professional identification that includes a statement or claim that is false, fraudulent, misleading, or deceptive, including the following:

1. A business card;

2. An office sign;

3. Letterhead;

4. Telephone or association directory listing.

(2) A statement shall be considered false, fraudulent, misleading, or deceptive if it:

(a) Contains a material misrepresentation of fact;

(b) Is intended to or likely to create an unjustified expectation;

(c) Deletes a material fact or information.

Section 9. Environment. An alcohol and drug counselor shall provide a safe, functional environment in which to offer alcohol and drug counseling services. This shall include the following:

(1) Allowance for privacy and confidentiality; and

(2) Compliance with any other health and safety requirement according to local, state, and federal agencies.

Section 10. Documentation. An alcohol and drug counselor shall accurately document activity with a client in a timely manner.

Section 11. Interprofessional Relationships. An alcohol and drug counselor shall treat a colleague with respect, courtesy and fairness and shall afford the same professional courtesy to other professionals.

(1) An alcohol and drug counselor shall not offer professional service to a client in counseling with another professional except with the knowledge of the other professional or after the termination of the client's relationship with the other professional.

(2) An alcohol and drug counselor shall cooperate with a duly constituted professional ethics committee and promptly supply necessary information unless constrained by the demands of confidentiality.

201 KAR 35:040. Continuing education requirements.

RELATES TO: KRS 309.085(1)(b)

STATUTORY AUTHORITY: KRS 309.0813(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.085(1)(b) authorizes the board to promulgate an administrative regulation requiring certified alcohol and drug counselors to complete continuing education requirements as a condition of renewal of their certification. This administrative regulation establishes the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Definitions. (1) "Academic courses offered by an accredited postsecondary institution" means a course beyond the undergraduate level, that is:

- (a) An alcohol and drug counseling course, designated by title or content; or
- (b) An academic course, relevant to alcohol and drug counseling.

(2) "Approved" means recognized by the Kentucky Board of Certification of Certified Alcohol and Drug Counselors.

(3) "Continuing education hour" means fifty (50) clock minutes of participating in a continuing educational experience.

(4) "Program" means an organized learning experience:

- (a) Planned and evaluated to meet behavioral objectives; and
- (b) Presented in one (1) session or in a series.

(5) "Provider" means an organization approved by the Kentucky Board of Certification for Certified Alcohol and Drug Counselors for providing continuing education programs.

(6) "Relevant" means having content applicable to the practice of alcohol and drug counseling in accordance with the requirements of Section 4(2) of this administrative regulation.

Section 2. Accrual of Continuing Education Hours; Computation of Accrual. (1) A minimum of sixty (60) continuing education hours shall be accrued by each person holding certification during the three (3) year certification period for renewal with the following exceptions:

(a) A person holding certification whose renewal date is before January 1, 2000 shall receive twenty (20) hours of continuing education for that renewal only;

(b) A person holding certification whose renewal date is after January 1, 2000 and before January 1, 2001 shall receive forty (40) hours of continuing education for that renewal only.

(2) All hours shall be in or related to the field of alcohol and drug counseling.

Section 3. Methods of Acquiring Continuing Education Hours. Continuing education hours applicable to the renewal of the certificate shall be directly related to the professional growth and development of a certified alcohol and drug counselor. They may be earned by completing any of the following educational activities:

(1) Programs not requiring board review and approval. A program provided by any of the following providers shall be deemed to be relevant to the practice of alcohol and drug counseling and shall be approved without further review by the board:

- (a) The National Association of Alcohol and Drug Abuse Counselors (NAADC);
- (b) The American Counseling Association (ACA);
- (c) The National Board for Certified Counselors (NBCC);
- (d) The International Certification and Reciprocity Consortium (ICRC);
- (e) The Kentucky Department of Mental Health, Division of Substance Abuse;
- (f) The Jefferson Alcohol and Drug Abuse Center (JADAC) Training Institute;
- (g) The Kentucky School of Alcohol and Drug Studies; and

(2) An academic course, as defined in Section 1(1) of this administrative regulation shall not require board review or approval. A general education course, elective or designated to meet undergraduate degree requirements, shall not be acceptable for continuing education credit. Academic credit equivalency for continuing education hours shall be based on one (1) credit hour equaling fifteen (15) continuing education hours.

(3) Programs requiring board review and approval. A program from any of the following sources shall be reviewed by the board and determined whether it complies with the requirements of Section 4(2) of this administrative regulation:

(a) A program, including a home study course and in-service training provided by an organization or education institution not listed in subsection (1) of this section;

(b) A program or academic course presented by the certificate holder. A presenter of a relevant program or academic course shall earn two (2) continuing education hours for each contact hour of instruction. Credit shall not be issued for repeated instruction of the same course;

(c) A relevant publication in a professionally recognized or juried publication. Continuing education hours shall be granted for relevant publications as follows:

1. Five (5) continuing education hours for each published abstract or book review;
2. Ten (10) continuing education hours for each published article;
3. Twenty (20) continuing education hours for each book chapter or monograph; and
4. Forty (40) continuing education hours for each published book.

Section 4. Procedures for Preapproval of Continuing Education Sponsors and Programs.

(1) An applicant seeking to obtain approval of a continuing education program prior to its offering shall apply to the board at least sixty (60) days in advance of the commencement of the program, and shall provide the information required in Section 5 of this administrative regulation.

(2) A continuing education activity shall be qualified for approval if the board determines the activity:

- (a) Is an organized program of learning;
- (b) Pertains to subject matter relating to alcohol and drug counseling;
- (c) Enhances the professional competence of the licensee by:
 1. Refreshing his knowledge and skills; or
 2. Educating on a new topic or subject;

(d) Is conducted by a competent instructor, as documented by appropriate academic training, professional licensures or certification, or professionally-recognized experience.

Section 5. Procedures for Approval of Continuing Education Programs. (1) A course that has not been preapproved by the board may be used for continuing education if approval is secured from the board.

(2) The following information shall be submitted for board review of a program:

- (a) A published course or seminar description;
- (b) The name and qualifications of the instructor;
- (c) A copy of the program agenda indicating hours of education, coffee and lunch breaks;
- (d) Number of continuing education hours requested;
- (e) Official certificate of completion or college transcript from the sponsoring agency or college; and
- (f) Application for continuing education credits approval.

Section 6. Responsibilities and Reporting Requirements of Certificate Holders. (1) During the certification renewal period, the board shall require up to fifteen (15) percent of all certificate holders to furnish documentation of the completion of the appropriate number of continuing education hours. Verification of continuing education hours shall not otherwise be reported to the board.

(2) A certificate holder shall:

- (a) Be responsible for obtaining required continuing education hours;
- (b) Identify his own continuing education needs and seek activities that meets those needs;
- (c) Seek ways to integrate new knowledge, skills and activities;
- (d) Select approved activities by which to earn continuing education hours;
- (e) Submit to the board, if applicable, a request for approval for continuing education activities not approved as required in Section 3(2) of this administrative regulation;

(f) Document attendance, participation in, and successful completion of continuing education activity for a period of two (2) years from the date of the renewal; and

(g) Maintain records of continuing education hours.

(3) The following items may be used to document continuing education activity:

(a) Transcript;

(b) Certificate;

(c) Affidavit signed by the instructor;

(d) Receipt for the fee paid to the sponsor; or

(e) Written summary of experiences that are not formally or officially documented otherwise.

(4) Comply with the provisions of this administrative regulation. Failure to comply shall constitute a violation of KRS 335.340(1)(b) and shall result in:

(a) Refusal to renew certification;

(b) Suspension of certification; or

(c) Revocation of certification.

Section 7. Carry-over of Continuing Education Hours, Prohibited. Continuing education hours earned in excess of those required under Section 2 of this administrative regulation shall not be carried over into the immediately following certification renewal period.

Section 8. Board to Approve Continuing Education Hours; Appeal of Denial. (1) If an application for approval of continuing education hours is denied, the person holding certification shall have the right to appeal the board's decision.

(2) An appeal shall be:

(a) In writing;

(b) Received by the board within thirty (30) days after the date of the decision denying approval of continuing education hours; and

(c) Conducted in accordance with KRS Chapter 13B.

Section 9. Waiver or Extensions of Continuing Education. (1) On application, the board may grant a waiver of the continuing education requirements or an extension of time within which to fulfill the requirements in the following cases:

(a) Medical disability of the certificate holder;

(b) Illness of the certificate holder or an immediate family member;

(c) Death or serious injury of an immediate family member.

(2) A written request for waiver or extension of time involving medical disability or illness shall be:

(a) Submitted by the person holding certification; and

(b) Accompanied by a verifying document signed by a licensed physician.

(3) A waiver of or extension of time within which to fulfill the minimum continuing education requirements shall not exceed one (1) year.

(4) If the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the person holding certification shall reapply for the waiver or extension.

Section 10. Continuing Education Requirements for Reinstatement or Reactivation of Certification. (1) A person requesting reinstatement of certification shall:

(a) Submit evidence of receiving sixty (60) hours of continuing education within the three (3) year period immediately preceding the date that reinstatement is requested; or

(b) Obtain sixty (60) hours of continuing education within six (6) months of reinstatement of certification. Failure to obtain sixty (60) hours within six (6) months shall result in termination of certification.

(2) The continuing education hours received in compliance with this section shall be in addition to the continuing education requirements established in Section 2 of this administrative regulation and shall not be used to comply with the requirements of that section.

Section 11. Incorporation by Reference. (1) "Application for Continuing Education Approval", (1998 Edition), Board of Certification of Alcohol and Drug Counselors, is incorporated by reference.

(2) It may be inspected, copied, or obtained at Kentucky Board of Certification of Alcohol and Drug Counselors, Berry Hill Annex, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 35:050. Curriculum of study.

RELATES TO: KRS 309.083(5)

STATUTORY AUTHORITY: KRS 309.0813(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.083(5) requires that applicants for certification shall have completed 270 classroom hours of board-approved curriculum. This administrative regulation identifies the areas of study that will satisfy the requirement.

Section 1. The 270 classroom hours of curriculum required by KRS 309.083(5) to receive certification as an alcohol and drug counselor shall be specifically related to the knowledge and skills necessary to perform the following twelve (12) core function which are:

- (1) Screening;
- (2) Intake;
- (3) Client orientation;
- (4) Assessment;
- (5) Treatment planning;
- (6) Counseling;
- (7) Case management;
- (8) Crisis intervention;
- (9) Client education;
- (10) Referral;
- (11) Reports and recordkeeping; and
- (12) Consultation.

Section 2. (1) Attendance at conferences, workshops, seminars, or in-service training related to addictions are acceptable to meet the requirements of Section 1 of this administrative regulation if the board determines that it:

- (a) Is an organized program of learning;
- (b) Covers an area listed in Section 1 of this administrative regulation;
- (c) Is conducted by a competent instructor, as documented by appropriate academic training, professional licensure or certification, or professionally-recognized experience.

(2) One (1) semester hour of study from an accredited college or university credit shall equal fifteen (15) classroom hours.

(3) Publication on a subject relevant to addictions therapy may be submitted to the board. Credit shall be granted as follows:

- (a) A chapter in a book is equivalent to ten (10) classroom hours.
- (b) Authoring or editing a book relevant to addictions therapy may be given credit equivalent to thirty (30) classroom hours. An applicant shall submit a copy of the title page, table of contents and bibliography.
- (c) Publication in a professional refereed journal is equivalent to fifteen (15) classroom hours. An applicant shall submit the journal table of contents and a copy of the article as it appeared in the journal including bibliography.

Section 3. (1) A list of courses the applicant wishes to have considered shall be organized by core area as set forth in Section 1 of this administrative regulation and shall include documentation to verify that the course satisfies the requirements of that section.

(2) Appropriate documentation of the course shall include:

- (a) Date;
- (b) Title;

- (c) Description;
- (d) Sponsoring organization;
- (e) Presenter and presenter's credentials;
- (f) Number of contact hours attended; and
- (g) Certificates of attendance or transcript.

Section 4. Certification as an alcohol and drug counselor in the International Certification and Reciprocity Consortium shall be accepted as evidence that the applicant has met both the educational and experiential requirements for certification set forth in KRS 309.083.

